

REMARKS

The Official Action mailed August 20, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 25, 2006; and October 6, 2006.

A further Information Disclosure Statement was submitted on November 5, 2008 (received by OIPE November 7, 2008), and consideration of this Information Disclosure Statement is respectfully requested.

Claims 34-67 were pending in the present application prior to the above amendment. The Applicant notes with appreciation the indication of the potential allowability of claims 34-67 (page 3, Paper No. 20080815). Claims 34-49 have been canceled without prejudice or disclaimer, independent claim 50 has been amended to better recite the features of the present invention, and new claims 68-70 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 50-70 are now pending in the present application, of which claims 50, 59 and 68 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 34-67 under 35 U.S.C. § 112, first paragraph, asserting that "[t]he presently required substitution pattern is not explicitly disclosed in the application as originally filed, and no specific examples of organometallic complexes within the scope of the present claims are set forth in the original disclosure" (page 2, Id.).

Claims 34-49 have been canceled without prejudice or disclaimer; therefore, the above-referenced rejections of claims 34-49 are now moot.

Claim 50 has been amended to delete a case where $n=1$ and M is an element of Group 9. The Applicant respectfully submits that amended claim 50 is supported in the

present specification, for example, by at least formulas (67) and (72) (paragraphs [0261] and [0277]).


The Applicant respectfully submits that claim 59 is supported in the present specification, for example, by at least formulas (67) and (72).

The Applicant respectfully submits that claims 50-67 contain subject matter which are described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

New claims 68-70 have been added to recite additional protection to which the Applicant is entitled. The features of claims 68-70 are supported in the present specification, for example, by formulas (67) and (72). For the reasons stated above and already of record, the Applicant respectfully submits that new claims 68-70 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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